

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION AT LAFAYETTE

IN THE MATTER OF:	)	
	)	
WHITE TRAILER, INC.	)	CASE NO. 96-40623
	)	
Debtor	)	

**DECISION AND ORDER**

At Fort Wayne, Indiana, on April 19, 2005.

The trustee has objected to a claim filed on behalf of U.S. Trailer Parts & Supply, Inc. which has been designated by clerk as claim no. 977. There has been no response to this objection within the time required by the local rules of this court, N.D. Ind. L.B.R. B-3007-1(b) and the matter is before the court for a decision.

The trustee asks that the claim be denied because it is duplicated claim number 1003 which is being allowed. Admittedly the creditor is entitled to only one claim against the estate, but claim 1003 is not a duplicate claim – the same claim filed twice. Rather, claim number 1003 says it amends and replaces claim number 977 filed on May 27, 1999. As a result, the original claim filed by U.S. Trailer Parts & Supply, Inc. – claim no. 977 – has been superceded by claim 1003. It is no longer pending before the court and of no further force or effect. See Cf., 188 LLC v. Trinity Industries, Inc., 300 F.3d 730, 736 (7th Cir. 2002)(“An amended pleading ordinarily supercedes the prior pleading. The prior pleading is in effect withdrawn. . .and becomes functus officio.”); Kelley v. Crosfield Catalysts, 135 F.3d 1202,1204-05 (7th Cir. 1998)(same). Thus, U.S. Trailer Parts & Supply, Inc. is asserting only one claim against the estate, not two, and the fundamental premise of the trustee’s objection is incorrect.

IT IS THEREFORE ORDERED that the trustee’s objection to claim no. 977 filed by U.S.

Trailer Parts & Supply, Inc. is overruled.

/s/ Robert E. Grant  
Judge, United States Bankruptcy Court